

REMARKS

The present Amendment amends claims 1, 5, 7, 9 and 10, cancels claims 3 and 8 and leaves claims 2, 4 and 6 unchanged. Therefore, the present application has pending claims 1-2, 4-7 and 9-10.

Amendments also were made to the specification to correct informalities noted by the Examiner with respect to the drawings. In addition, the abstract was amended to overcome the objections noted by the Examiner.

It is respectfully requested that the application be reconsidered in light of the above amendments and following remarks.

In the Office Action, the drawings were objected to as failing to comply with 37 CFR § 1.84(p)(4) and (5) with respect to Applicants' use of reference characters. The Examiner has suggested that corrected drawings be submitted in order to overcome the objections. However, Applicants have made amendments to the specification which are believed to bring the drawings into conformance with the description as well as address the specific objections noted by the Examiner in Paragraphs 2, 3 and 4 of the Office Action. Accordingly, it is respectfully submitted that amended drawings are not necessary.

In Paragraph 5 of the Office Action, the Examiner objected to the format of the Abstract of The Disclosure. The Abstract has been amended to place it in the proper format in the manner suggested by the Examiner and a new abstract page is provided. Accordingly, the objections to the Abstract are believed to be overcome.

In Paragraphs 6 and 7 of the Office Action, the Examiner rejected claims 3, 5, 8 and 9 under 35 U.S.C. § 112, second paragraph, and 35 U.S.C.

§ 101 with respect to the “use” recitation. Claims 3 and 8 have been cancelled and claims 5 and 9 have been amended to eliminate the “use” recitation.

Thus, the rejection of claims 5 and 9 should be withdrawn.

With respect to the prior art, the Examiner rejected all claims under 35 U.S.C. § 102(e) as being anticipated by Enomoto et al. (U.S. Patent Publication No. 2003/007681 A1). This rejection is traversed and should be withdrawn. Applicants submit that the features of the present invention as now more clearly recited in the claims are not taught or suggested by the Enomoto reference. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection for the following reasons.

The Enomoto reference discloses a congestion control system in which the congestion level on a network is detected and communicates using the ring that is less congested between two networks of first and second rings R11 and R12. In the Enomoto system, in order to send a frame from client C1 to another client(s) C2-C4, node A1 transmits the frame to either one of ring network L104 or L102. Neighboring node A2 or A4 which receives the frame, transmits the frame to the next node closes to and in the same direction as R12 and R11. The Enomoto system operates in an entirely different way than the present invention.

In the present invention, each transmission terminal transmits a frame using two networks simultaneously so that communication is made possible even if there is an abnormality in the transmission root in the network. The Enomoto system always uses a single network. The system of the present invention, is therefore clearly different from the congestion control system taught by Enomoto.

By way of the present amendment, the claims in the instant application have been amended to make it even more clear that Applicants' invention distinguishes over the prior art, including the Enomoto reference. As the claims make clear, a transmission terminal can transmit a frame over both of two networks and in both directions. Therefore, if the networks are operating normally, each node receives the same frame from both networks simultaneously. However, when there is an abnormality on the transmission root in the network, each transmission terminal continues to receive frames from at least one of the networks. Each transmission terminal is equipped with relaying means which, when receiving the information from only one of the transmission lines, sends the information out to the other of the two transmission lines so that all transmissions are conducted over the two transmission lines.

The present invention can provide a high reliability network having a simple and uncomplicated configuration that continues to receive data from at least one transmission line when the second transmission line is not available. Thus, reception of data at the receiving terminal continues in the presence of disruptions in portions of the network.

The Enomoto system does not teach or suggest the problem to be solved by the present invention and the manner in which the problem is in fact solved as described by the claims. Thus, the rejection of the claims as being anticipated by Enomoto should be withdrawn.

The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the reference utilized in the rejection of claims 1-10.

In view of the foregoing amendments and remarks, Applicants submit that pending claims 1, 2, 4-7, 9 and 10 are in condition for allowance.

Accordingly, early allowance of these claims is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (520.43271X00).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.



Carl I. Brundidge
Registration No. 29,621

CIB/jdc
(703) 684-1120